

**PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION PUBLIC MEETING, POST
EXHIBITION AND FINALISATION**
STRATEGIC PLANNING PANEL OF THE
SOUTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 09 April 2024
DATE OF PANEL DECISION	Wednesday, 3 April 2024
PANEL MEMBERS	Chris Wilson (Chair), Glennis James & Sue Francis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by public teleconference on 3 April 2024, opened at 10:30am and closed at 11:12am. Papers circulated electronically on 27 March 2024.

PLANNING PROPOSAL

PP-2022-2027 – Shoalhaven LGA – 48-54 Paradise Beach Road, Sanctuary Point (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4, and the material presented at the briefing listed at item 5 in Schedule 1.

As the Planning Proposal Authority (PPA), the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made (subject to further amendment).

The Panel's decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the Department of Planning, Housing and Infrastructure's Post-Exhibition Report of 25 March 2024 and met with the Department, All About Planning (Proponent), Container Group Investments (Landowner), Shoalhaven City Council (Council), and members of the community as part of a public meeting conducted to hear their concerns.

The Panel generally concurred with the Department that:

- the Planning Proposal demonstrated strategic and site-specific merit;
- the conditions of the Gateway had been met;
- agency and community consultation had occurred in accordance with the Gateway Determination; and
- submissions had been considered.

While the Panel agreed the Planning Proposal warranted support, it shared Council's concern that the Planning Proposal lacked a more robust mechanism to ensure an appropriate and sympathetic transition to adjoining residential development, particularly to those residences to the south and south-east. The Panel also agreed that relying on a subclause within the Additional Permitted Uses (APU) may not be sufficient to deliver the desired transition. This was the Panel's key concern during the review process and the reason behind the suggestion that a Site-Specific Development Control Plan (DCP) would be appropriate.

Furthermore, the Panel did not support the Proponent's view that the relevant provisions of the Shoalhaven Development Control Plan 2014 relating to multi dwelling development were specific enough to deliver the outcome envisaged by the Panel.

Consequently, the Panel requests that the Department, when finalising the amendment, include a requirement in the LEP for the preparation of a Site-Specific DCP. The DCP will need to be prepared in consultation with the Council and adopted prior to any development application being lodged for the site.

To ensure the DCP delivers the desired outcome, it should include objectives and relevant provisions specific to the site that will ensure overshadowing, visual, privacy and amenity impacts on the adjoining properties are acceptable. For example, the DCP might include a 3m/45 degree building height plane for the rear (south and south-east) of the lot and no building height plane at the front (facing Paradise Beach Road) of the lot.


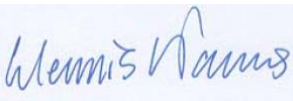
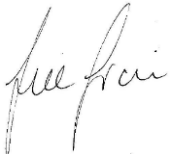
The Panel also requested that the Department consider identifying the site for exclusion from further bonus height or Floor Space Ratio available under the amended State Environmental Planning Policy (Housing) 2023.

Finally, the Panel agreed with the Post-Exhibition Report recommendation that the Planning Proposal be revised and updated to amend the proposed Maximum Height of Building map as it applies to the site to reflect the correct map colour for 11m (yellow).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions provided during public exhibition, and heard from all those wishing to address the Panel. The Panel notes that issues of concern included the proposed building form, design and character; overshadowing and privacy impacts on adjoining low density residences; safety for children attending nearby school; car parking on and off site; access; character of the Sanctuary Point village; and the proposed planning controls and need for a site-specific DCP.

The Panel considers that the concerns raised by the community have been adequately considered in the Department's Post-Exhibition Report and this Record of Decision or would be more appropriately considered at the development application stage.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Glennis James
 Sue Francis	

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. – ADDRESS	PP-2022-2027 – Shoalhaven LGA – 48-54 Paradise Beach Road, Sanctuary Point
2	LEP TO BE AMENDED	Shoalhaven Local Environmental Plan (LEP) 2014
3	PROPOSED INSTRUMENT	<p>The exhibited planning proposal seeks to amend Shoalhaven Local Environmental Plan 2014 to:</p> <ul style="list-style-type: none"> • Rezone the site from part SP2 Infrastructure (Place of Public Worship) to R2 Low Density Residential; • increase the maximum height of building height from part 8.5m to 11m (R2 zoned land); and • amend Schedule 1 Additional Permitted Uses to permit multi dwelling housing and introduce objectives to reflect the new permitted use.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Department Planning, Housing and Infrastructure Post Exhibition Report, 25 March 2024 • Written submissions during public exhibition: 9 submissions • Total number of unique submissions received by way of objection: 9 submissions • Verbal submissions at the Panel’s public meeting 10:30am-11:12am, 3 April 2024: <ul style="list-style-type: none"> ○ Registered speakers: Mario Kocijan, Brad Collinson and Bob Proudfoot ○ On behalf of Shoalhaven Council: Gordon Clark and Kaitlin Aldous ○ On behalf of the proponent: Michelle Chapman (All About Planning)
5	BRIEFING BY THE PANEL	<ul style="list-style-type: none"> • Panel Briefing: 9:30am – 10:05am, 3 April 2024 <ul style="list-style-type: none"> ○ Panel members: Chris Wilson (Chair), Glennis James & Sue Francis ○ DPHI staff: Graham Towers, Steph Wood, Ewan Reid, Louise McMahon, Renee Ezzy, Lisa Kennedy & Adam Williams ○ Key Issues Discussed: <ul style="list-style-type: none"> • Public exhibition submissions and issues of concern • Building height, density & character • Overshadowing, privacy & amenity • Preparation of a site-specific Development Control Plan to assist in addressing the transition of height across the site and in particular overshadowing & amenity in the south east corner • Application of the Housing SEPP and bonus height and floor space ratio provisions • Panel Determination: 11:12am – 11.26am, 3 April 2024 <ul style="list-style-type: none"> ○ Panel members: Chris Wilson (Chair), Glennis James & Sue Francis ○ DPHI staff: Graham Towers, Steph Wood, Ewan Reid, Louise McMahon, Renee Ezzy, Lisa Kennedy & Adam Williams